UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,419	09/30/2003	Michael L. Case	42P17672	8048

8791 7590 06/30/2008

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
RYAN, PATRICK A	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
06/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/676,419	CASE, MICHAEL L.	
	Examiner	Art Unit	
	PATRICK A. RYAN	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to Applicant's Amendment-After Non-Final Rejection ("Reply"), filed March 7, 2008. Applicant has amended Claims 1, 13, 16, 17, 20, 30, 34, and 35. As amended Claims 1 through 38 are presented for examination.

2. Applicant has amended Claim 16 to be directed toward the article of manufacture as recited in Claim 13. Therefore the objection to Claim 16 for being drawn to the method of Claim 13 has been withdrawn.

3. Applicant has amended Claims 34 and 35 to be dependent from the apparatus of Claim 33. Therefore, the objection to Claims 34 and 35 for being dependent from article of Claim 30 has been withdrawn.

Response to Arguments

4. The Examiner rejected Claims 13-16 and Claims 30-35 as being directed to non-statutory subject matter under 35 USC 101 in light of Applicant's definition of "machine-readable medium", as found in Specification Paragraph [0063]. Applicant has amended Claims 13 and 30 to read as "machine-readable tangible medium". In view of Applicant's arguments (Reply Page 9), with respect to amended Claims 13 and 30, the Examiner construes the scope of the physical and tangible embodiments to preclude the claims from being directed to a propagated signal wave that carries data. In particular, the Examiner construes the scope of "machine-readable tangible medium" to be limited to:

> machine-readable medium having stored thereon instructions which may be used to program a media center (or other electronic devices) to perform a process according to the present invention. The machine-readable medium may include, but is not limited to, floppy diskettes, optical disks, CD-ROMs, and magneto-optical disks, ROMs, RAMs, EPROMs, EEPROMs, magnet or optical cards, flash memory, or other type of media/machine-readable medium suitable for storing electronic instructions. (As quoted from Applicant's Specification Paragraph [0063]).

Therefore, the rejection of Claims 13-16 and Claims 30-35 under 35 USC 101 has been withdrawn.

5. Applicant's arguments, see Page 9, filed March 7, 2008, with respect to the rejection of Claims 1, 13, 17, and 20 under 35 USC 102(b) as being anticipated by Landis et al., United States Patent (5,561,461) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nishigaki, United States Patent (5,812,209) as addressed below.

6. Applicant's arguments with respect to the rejection of Claims 24 through 38 under 35 USC 102(b) as being anticipated by Shin et al., United States Patent (6,169,580) have been fully considered but they are not persuasive.

Applicant presents that Shin does not teach the limitation "modifying time-of-day information in the video stream" because the time adjustment taught by Shin "relates only to the time stored in "timer". The time in the video stream is not affected." (Reply Page 10; with reference to Shin Col. 4 Lines 35-67). The Examiner respectively disagrees. Shin teaches the comparison of a broadcast signal time code, for example 8:00 pm, Jan. 20, 1998, which is detected by Decoder 16 (as described in Col. 4 Lines 30-34). Time difference adjustment data is determined by Microcomputer 14 to be, for example +9 hours, and adds the determined time difference to the received broadcast

signal, which is then displayed to the user on Display Unit 14 and controlled by Timer 13. Therefore, Shin teaches the “modification of time-of-day information in the video stream" as recited in independent Claims 24 and 30.

7. Applicant's arguments with respect to the rejection of Claims 3, 4, 6-7, 11, 14-15, 18, 19, and 21 under 35 USC 103(a) as being unpatentable over Landis in view of Nishigaki have been fully considered, but they are not persuasive.

8. Applicant presents that the combination of Landis and Nishigaki does not teach the limitation "sorting the received signals into a priority order based on... those with a longer availability duration." because “Nishigaki is not concerned with availability duration, but only availability. In addition, Applicant asserts that Nishigaki does not teach sorting the list of available time signals and only teaches moving down the list of available channels (Reply Page 12). The Examiner respectfully disagrees. Nishigaki teaches receiving the present time information from a plurality of broadcast stations (Col. 5 Lines 65-67). A priority order list is developed “based on criteria such as the content of the time information, accuracy of the time information, transmission time schedule of the time information, and broadcasting station operators” (Col. 6 Lines 1-7). Nishigaki’s use of a transmission time schedule encompasses time information based on the duration of availability. In addition, Nishigaki’s priority list is developed by comparing the priority number assigned to each broadcasting station signal and ordering the position numbers in a maximum to minimum fashion. The broadcast signal with the maximum position number is then used for time setting purposes (Col. 6 Lines 8-61; with further reference to Fig. 4). Therefore, Nishigaki teaches the limitation

"sorting the received signals into a priority order based on determining a duration of the availability of each video signal and assigning a higher priority to those with a longer availability duration" as recited in independent Claims 1, 13, 17, and 20.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 24 through 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Shin et al. (US Patent 6,169,580) hereinafter "Shin."

11. In regards to Claim 24, Shin teaches a method comprising: receiving a video stream (tuner 10 of Fig. 2, as described in Col. 1 Lines 36-45); determining the source of the video stream (microcomputer 15 checks the broadcast signal, as disclosed in Col. 4 Lines 54-58); and modifying time-of-day information in the video stream based on the determined source (as disclosed in Col. 4 Lines 35-67).

12. In regards to Claim 25, Shin teaches a method wherein modifying comprises removing time-of-day information from the video stream if the source is previously recorded video (as disclosed in Col. 5 Lines 25-40).

13. In regards to Claim 26, Shin teaches a method wherein modifying comprises changing the time-of-day information to a current time if the source is previously recorded video (as disclosed in Col. 5 Lines 25-40).

14. In regards to Claim 27, Shin teaches a method wherein changing the time-of-day information to a current time comprises applying the time-of-day of a system clock (as disclosed in Col. 4 Lines 41-50).

15. In regards to Claim 28, Shin teaches a method wherein modifying comprises checking the time-of-day information against a system clock (time difference data, as disclosed in Col. 4 Lines 42-50) and changing the time-of-day information to the system clock time (receiving region time, as disclosed in Col. 4 Lines 42-50).

16. In regards to Claim 29, Shin teaches a method wherein modifying comprises passing the time-of-day information in the video stream unchanged if the source is a broadcast source (Shin's method would inherently perform this function if the user was in the same time-zone as the broadcast signal because the time difference measurement would be zero).

17. In regards to Claim 30, Shin teaches an article comprising a machine-readable medium having store thereon data representing instructions (microcomputer 15, as disclosed in Col. 4 Lines 20-50) which, when executed by a machine cause the machine to perform the method of Claim 24.

18. The limitations of Claim 31 have been addressed with reference to Claim 30 and Claim 25.

19. The limitations of Claim 32 have been addressed with reference to Claim 30 and Claims 27 and 28.

20. In regards to Claim 33, Shin teaches an apparatus comprising a tuner (tuner 10, as disclosed in Col. 3 Lines 55-63) and a processor (microcomputer 15, as disclosed in Col. Col. 4 Lines 20-50) which performs the method of Claim 24.

21. The limitations of Claim 34 have been addressed with reference to Claim 33 and Claims 25.

22. The limitations of Claim 35 have been addressed with reference to Claim 33 and Claims 27 and 28.

23. In regards to Claim 36, Shin teaches an apparatus comprising a tuner to receive a video stream from a video recorder (program reserving and recording, as disclosed in Col. 5 Lines 9-24), and a processor (microcomputer 15, as disclosed in Col. Col. 4 Lines 20-50), which performs the method of Claim 24.

24. The limitations of Claim 37 have been addressed with reference to Claim 36 and Claims 25.

25. The limitations of Claim 38 have been addressed with reference to Claim 36 and Claims 27 and 28.

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

27. Claims 1-4, 6-8, 11-15, 17-20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis et al. (US Patent 5,561,461) hereinafter “Landis" in view of Nishigaki (US Patent 5,812,209).

28. In regards to Claim 1, Landis teaches a method comprising: receiving a plurality of video signals each from a different channel that include time-of-day information (“[Extended Data Service or] EDS data may be identified by “scanning” all channels”, as disclosed in Col. 5 Lines 44-65); evaluating the received signals for time-of-day information conflicts (“extracted data is tested by controller 110", as disclosed in Col. 5 Lines 50-55); extracting the time-of-day information from the video signals in accordance with the evaluation (data slicer 145 is used to extract EDS time of day data, as described in Col. 5 Lines 49-51); determining a time-of-day using the extracted information in accordance with the evaluation (time difference method shown in Fig. 2, as described in Col. 6 Lines 15-36); and setting a system clock based on the determined time of day (step 270 of Fig. 2, as described in Col. 6 Lines 30-34).

Landis does not teach evaluating the received signals for time-of-day conflicts by sorting the received signals into a priority order based on determining a duration of availability of each video signal and assigning a higher priority to those with a longer availability duration.

In a similar field of invention, Nishigaki teaches a method of prioritizing broadcast signals that contain time of day information. Nishigaki further discloses that: “the priority order may be arranged based on criteria such as the content of the time information, accuracy of the time information, transmission time schedule of the time

information, and broadcasting station operators" (as disclosed in Col. 5 Lines 65-67 and Col. 6 Lines 1-7). The incoming broadcast signals are then sorted into a priority order based on an assigned priority number (as described in Col. 6 Lines 38-42). The Examiner interprets the "transmission time schedule of the information" (as disclosed by Nishigaki) to include the start and stop time of the transmitted video signal. The start and stop time could therefore represent the duration of availability for the time of day information. Using Nishigaki's priority method, the video signal with the greatest duration of availability would then be given the highest priority.

It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the channel time extraction method of Landis with the priority ordering method of Nishigaki in order to obtain the most accurate time of day information among a plurality of broadcast stations that provide time of day information. Nishigaki's method would eliminate the need for a user to select the most accurate time of day data by allowing the system to automatically select the most accurate time data for the user (as disclosed by Nishigaki in Col. 2 Lines 28-48).

29. In regards to Claim 2, the combination of Landis and Nishigaki teach the method of Claim 1, wherein evaluating comprises selecting one of the video signals (tuning information for a signal containing EDS data is saved in RAM 116, as disclosed by Landis in Col. 5 Lines 51-65) and wherein extracting comprises extracting the time-of-day information from the selected signal (storage of "eds_hours" and "eds_minutes", as disclosed by Landis in Col. 6 Lines 4-14).

30. In regards to Claims 3, 7, and 8, Landis teaches the method of selecting, extracting, and setting the time of day information from a video signal, but does not teach a method of selecting a second video signal if the first signal becomes unavailable.

In a similar field of invention, Nishigaki teaches a television device capable of receiving a number of broadcast signals and using data within the broadcast signals to adjust the time of day of a system clock (shown in Fig. 4). In addition, Nishigaki teaches a method of evaluating additional broadcast signals if the first signal becomes unavailable (represented by the 'N' path of S14 in Fig. 4A). A second signal is then checked by incrementing the channel position number (as shown in S20 of Fig. 4A).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the channel time extraction method of Landis with the multiple channel verification method of Nishigaki so that the time of day verification method is continually performed and updated, so that a user is not required to manually in put the time of day if the first time of day signal is lost (as disclosed by Nishigaki in Col. 2 Lines 28-48).

31. In regards to Claim 4, Landis teaches the method of Claim 1, wherein the received signals are evaluated for time of day conflicts, but does not teach that the received signals are sorted in a priority order.

In a similar field of invention, Nishigaki teaches a method of prioritizing broadcast signals that contain time of day information. Nishigaki further discloses that: “the priority order may be arranged based on criteria such as the content of the time

information, accuracy of the time information, transmission time schedule of the time information, and broadcasting station operators" (as disclosed in Col. 5 Lines 65-67 and Col. 6 Lines 1-7). The incoming broadcast signals are then sorted into a priority order based on an assigned priority number (as described in Col. 6 Lines 38-42). Once the priority list is created, the time of day information is extracted from the channel with the highest priority number and is used to set the system clock (as disclosed in Col. 6 Lines 43-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to combined the channel time extraction method of Landis with the priority ordering method of Nishigaki in order to obtain the most accurate time of day information among a plurality of broadcast stations that provide time of day information. Nishigaki's method would eliminate the need for a user to select the most accurate time of day data by allowing the system to automatically select the most accurate time data for the user (as disclosed by Nishigaki in Col. 2 Lines 28-48).

32. In regards to Claims 6 and 11, Landis teaches the method of selecting, extracting, and setting the time of day information from a video signal, but does not teach wherein sorting comprises assigning an indication of a start time for each video signal or wherein evaluating comprises determining a duration of the availability of each video signal and excluding video signals that have been available for an insufficient duration from determining the time of day.

In a similar field of invention, Nishigaki teaches a method of prioritizing broadcast signals that contain time of day information. Nishigaki further discloses that: "the

priority order may be arranged based on criteria such as the content of the time information, accuracy of the time information, transmission time schedule of the time information, and broadcasting station operators" (as disclosed in Col. 5 Lines 65-67 and Col. 6 Lines 1-7). The incoming broadcast signals are then sorted into a priority order based on an assigned priority number (as described in Col. 6 Lines 38-42). The Examiner interprets the "transmission time schedule of the information" (as disclosed by Nishigaki) to include the start and stop time of the transmitted video signal. The start and stop time could therefore represent the duration of availability for the time of day information. Using Nishigaki's priority method, the video signal with the greatest duration of availability would then be given the highest priority.

It would have been obvious to one of ordinary skill in the art at the time of invention to combined the channel time extraction method of Landis with the priority ordering method of Nishigaki in order to obtain the most accurate time of day information among a plurality of broadcast stations that provide time of day information. Nishigaki's method would eliminate the need for a user to select the most accurate time of day data by allowing the system to automatically select the most accurate time data for the user (as disclosed by Nishigaki in Col. 2 Lines 28-48).

33. In regards to Claim 12 the combination of Landis and Nishigaki teach the method of Claim 1, wherein receiving comprises: demodulating a plurality of video signals ("Tuner assembly 102 selects and amplifies a particular RF signal", as disclosed by Landis in Col. 3 Lines 20-27); decoding the demodulated video signals ("DATA SLICER 145 decodes the data component of the television signal…" which includes EDS time of

day data, as disclosed by Landis in Col. 4 Lines 40-43); analyzing the decoded video signals to determine the video signals that contain time-of-day information (determination if EDS data is included in the video signal using the FIELD identifier, as disclosed by Landis in Col. 4 Lines 47-53).

34. In regards to Claim 13, the combination of Landis and Nishigaki teach an article comprising a machine-readable medium having stored thereon data representing instructions (microcomputer 110, as disclosed by Landis in Col. 3 Lines 38-67 and Col. 4 Lines 1-18) which, when executed by a machine cause the machine to perform the method of Claim 1.

35. The limitations of Claim 14 have been addressed with reference to Claim 13 and Claim 8.

36. The limitations of Claim 15 have been addressed with reference to Claim 13 and Claim 6.

37. In regards to Claim 17 the combination of Landis and Nishigaki teach an apparatus comprising a plurality of tuners (tuner assembly 102 connected to tuner control unit 104, as described by Landis in Col. 3 Lines 19-27 and Col. 5 Lines 46-50), a plurality of decoders (DATA SLICER 145, as disclosed by Landis in Col. 4 Lines 33-46), and a processor (microcomputer 110, as disclosed by Landis in Col. 3 Lines 38-67 and Col. 4 Lines 1-18) to execute the method of Claim 1.

38. The limitations of Claim 18 have been addressed with reference to Claim 17 and Claim 8.

39. The limitations of Claim 19 have been addressed with reference to Claim 17 and Claim 6.

40. In regards to Claim 20, the combination of Landis and Nishigaki teach an apparatus comprising a plurality of tuners to receive wireless video signals modulated on a carrier frequency (RF input terminal 100 connected to tuner controller unit 104, as described by Landis in Col. 3 Lines 19-27 and Col. 5 Lines 46-50), a plurality of decoders (DATA SLICER 145, as disclosed by Landis in Col. 4 Lines 33-46), and a processor (microcomputer 110, as disclosed by Landis in Col. 3 Lines 38-67 and Col. 4 Lines 1-18) to execute the method of Claim 1.

41. The limitations of Claim 21 have been addressed with reference to Claims 20, 2, and 3.

42. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis in view of Nishigaki and in further view of Duffield et al., (US Patent 5,617,146) hereinafter "Duffield".

43. In regards to Claim 5, Landis teaches a method of selecting, extracting, and setting the time of day information from a video signal and Nishigaki teaches a method of prioritizing broadcast signals that contain time of day information, but the combination of these methods does not teach applying a user-defined preference list to the video signals.

In a similar field of invention, Duffield teaches a method that allows a user to decide whether or not to use the EDS data for each EDS packet contained in a given

video signal (IGNORE_EDS function, as disclosed in Col. 5 Lines 45-55). Duffield's method involves storing a list of ignored channels in memory (as disclosed in Col. 5 Lines 56-67 and Col. 6 Lines 1-9). By creating a list of channels in which to ignore, Duffield's method inherently only takes into consideration channels from which the user wishes to receive EDS time of day data.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the methods of Landis and Nishigaki with Dunffield's method for creating a list of channels the user wishes to ignore because, as disclosed by Dunffield: "[T]he user could selectively eliminate only potentially erroneous EDS data in a particular channel…" "For example, EDS information originating in one time zone while a user is in another time zone or programming that is tape delayed at the station" (as disclosed in Col. 6 Lines 21-27).

44. The limitations of Claim 22 have been addressed with reference to Claim 20 and Claim 5.

45. Claims 9, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Landis and Nishigaki as applied to Claims 1, 13, and 20 above, and further in view of Drawert, United States Patent (6,983,160 B2).

46. In regards to Claim 9, the combination of Landis and Nishigaki teach the method of selecting, extracting, and setting the time of day information from a video signal, as recited in Claim 1, but do not teach a method of determining a time-of-day comprises

averaging values for the time-of-day indicated by the time-of-day information of at least two different video signals.

In a similar filed of invention, Drawert teaches a method for synchronizing base stations in a wireless communications system using time-of-day information. In particular, slave sites 111-113 of Fig. 1 acquire time-of-day information from as many GPS satellites as each can monitor and uses the acquired time-of-day information to synchronize internal Clock 202 (as described in Col. 2 Lines 40-66). In addition Drawer's states, in reference to a desired level of accuracy, "an average difference between clock 202's time-of-day and the master clock's time-of-day could be determined and used as the clock correction value" (Col. 3 Lines 23-39).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the channel time extraction and priority list method of Landis and Nishigaki with the method of determining the time-of-day by averaging the received time-of-day from a number of sources, as taught by Drawer, in order to reduce the error that can be produced by obtaining time-of-day information from a variety of sources (as Drawert discusses in Col. 2 Lines 40-57).

47. The limitations of Claim 16 have been addressed with reference to Claim 13 and Claim 9.

48. The limitations of Claim 23 have been addressed with reference to Claim 20 and Claim 9.

49. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Landis, Nishigaki, and Drawert as addressed with reference to Claims 1 and 9 in further view of Duffield et al (US Patent 5,617,146) hereinafter "Duffield".

50. In regards to Claim 10, Landis and Nishigaki teach a method of selecting, extracting, prioritizing, and setting the time of day information from a video signal; and Duffield teaches the use of determining an average value of time-of-day, but the combination does not teach, wherein evaluating comprises determining whether the time-of-day information of each of the plurality of video signals is valid.

In a similar field of invention, Duffield teaches a method of verifying EDS time of day data by comparing the received EDS data to the current time stored in the system clock (as disclosed in Col. 5 Lines 15-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined channel time extraction method of Landis, Nishigaki, and Drawert with the time verification method of Duffield because "If an error is detected... EDS data recorded on [a] video tape may be the source of the error" (as disclosed by Duffield in Col. 5 Lines 31-32). Duffield's method would therefore prevent the corruption of time of day information in the system clock due to erroneous EDS time of day data that may be broadcast from a previous recording.

Conclusion

51. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2623
Thursday, July 03, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623